

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

LORI A. HANEY,)	
)	
Plaintiff)	
)	
v.)	Case No. 2:12 cv 57
)	
MAJESTIC STAR CASINO II, INC.,)	
)	
Defendant)	

REPORT AND RECOMMENDATION

On July 2, 2012, the plaintiff, Lori A. Haney, was ordered to file an affidavit by July 13, 2012, explaining why she failed to appear at the June 29, 2012 pretrial conference. Plaintiff was warned that failure to file a timely affidavit may result in the dismissal of this case. To date, no such affidavit has been filed. Therefore, it is **RECOMMENDED** that this matter be **DIS-MISSED WITH PREJUDICE** pursuant to Federal Rule of Civil Procedure Rule 41(b) for lack of prosecution.

Pursuant to 28 U.S.C. §636(b)(1), the parties shall have ten (10) days after being served with a copy of this Recommendation to file written objections thereto with the Clerk of Court, with extra copies delivered to the Chambers of the Honorable Theresa L. Springmann, Judge of the United States District Court, Fort Wayne Division, and the Chambers of United States Magistrate Judge Andrew P. Rodovich. The failure to file a timely objection will result in the waiver of the right to challenge this Recommendation before either the District Court or the Court of

Appeals. *Willis v. Caterpillar, Incorporated*, 199 F.3d 902, 904 (7th Cir. 1999); *Johnson v. Zema Systems Corporation*, 170 F.3d 734, 739 (7th Cir. 1999); *Hunger v. Leininger*, 15 F.3d 664, 668 (7th Cir. 1994); *The Provident Bank v. Manor Steel Corporation*, 882 F.2d 258, 260-61 (7th Cir. 1989); *United States v. Johnson*, 859 F.2d 1289, 1294 (7th Cir. 1988); *Lebovitz v. Miller*, 856 F.2d 902, 905 n.2 (7th Cir. 1988).

ENTERED this 7th day of August, 2012

s/ Andrew P. Rodovich
United States Magistrate Judge

